

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

MAIL PROCESSING NETWORK RATIONALIZATION
SERVICE CHANGES, 2011

Docket No. N2012-1

**UNITED STATES POSTAL SERVICE OBJECTION TO
AMERICAN POSTAL WORKERS UNION, AFL-CIO INTERROGATORIES
(APWU/USPS-1)
(January 30, 2012)**

The United States Postal Service files this objection to the above-identified interrogatory of the American Postal Workers Union, AFL-CIO (APWU) filed on January 18, 2012. The interrogatory is stated verbatim and followed by a statement of the basis for the objection.

APWU/USPS-1 In APWU/USPS-T4-7(d), we asked Witness Neri whether a certain exception to the normal service standards for particular customers but not others was consistent with 39 U.S.C § 403(c). This interrogatory was redirected to USPS for a response. In response, USPS stated that “[t]he Postal Service believes that the content of the request and supporting testimony that it filed in PRC Docket No. N2012-1 is consistent with 39 U.S.C. § 403(c).”

- a) Please explain how the Request and supporting testimony filed in PRC Docket No. N2012-1 relates to the exception identified in APWU/USPST4-7.
- b) Please provide the definition of “undue or unreasonable discrimination” and the definition of “undue or unreasonable preference” as used in making the determination that the “request and supporting testimony filed in PRC Docket No. N2012-1 is consistent with 39 U.S.C. § 403(c).”
- c) If the terms identified in subpart b) were not defined by the Postal Service, please explain why these terms were not defined.
- d) Please explain the rationale for the conclusion that the request and supporting testimony filed in this case conforms to 39 U.S.C. § 403(c).
- e) Please explain the rationale for the belief that the exception identified in APWU/USPS-T4-7 does not equate to either an “undue or unreasonable discrimination” against those mailers that the exception does not apply to or “undue or unreasonable preference” to those mailers that will receive overnight delivery per this exception.

The interrogatory calls for a legal conclusion. The Postal Service objects to the interrogatory because it requests a response that would require legal analysis, and no

Postal Service witness is a practicing attorney representing the Postal Service or otherwise possesses the knowledge, experience, or expertise necessary to provide a legal conclusion. In addition, the interrogatory reproduced above does not address any statement made in Postal Service witness testimony. The APWU will have the opportunity to explore the legal issues addressed in the interrogatory cited above, and other legal arguments, during the briefing stage of this docket. The Postal Service will offer its legal arguments interpreting applicable statutes at that time. There should be no expectation that it will do so as part of the process of this docket reserved for the development of factual evidence.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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